

# Submission of Federal Rules Under the Congressional Review Act

A  
R08070  
T09671

☐ President of the Senate

☒ Speaker of the House of Representatives

☐ GAO

Please fill the circles electronically or with black pen or #2 pencil.

1. Name of Department or Agency

Department of Defense

2. Subdivision or Office

OUSD(AT&L)DPAP(DAR)

3. Rule Title

Designated Countries - New European Union Members

4. Rule Identification Number (RIN) or Other Unique Identifier (if applicable)  
DFARS Case 2004-D006

5. Major Rule ☐ Non-major Rule ☒

6. Final Rule ☒ Other ☐

7. With respect to this rule, did your agency solicit public comments? Yes ☐ No ☐ N/A ☒

8. Priority of Regulation (fill in one)

☒ Economically Significant; or  
Significant; or  
Substantive, Nonsignificant

☐ Routine and Frequent or  
Informational/Administrative/Other  
(Do not complete the other side of this form  
if filled in above.)

9. Effective Date (if applicable) June 25, 2004 (estimated)

10. Concise Summary of Rule (fill in one or both) attached ☒ stated in rule ☐

Submitted by: Deidre A. Lee (signature)

JUN 16 2004

Name: Deidre A. Lee

Title: Director, Defense Procurement and Acquisition Policy

For Congressional Use Only:

Date Received: \_\_\_\_\_

Committee of Jurisdiction: \_\_\_\_\_

RECEIVED  
JUN 21 PM 12:41  
SPEAKER'S ROOMS  
U.S. HOUSE OF REPS.

	Yes	No	N/A
A. With respect to this rule, did your agency prepare an analysis of costs and benefits?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
B. With respect to this rule, at the final rulemaking stage, did your agency			
1. certify that the rule would not have a significant impact on a substantial number of small entities under 5 U.S.C. § 605(b)?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
2. prepare a final Regulatory Flexibility Analysis under 5 U.S.C. § 604(a)?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
C. With respect to this rule, did your agency prepare a written statement under § 202 of the Unfunded Mandates Reform Act of 1995?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
D. With respect to this rule, did your agency prepare an Environmental Assessment or an Environmental Impact Statement under the National Environmental Policy Act (NEPA)?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
E. Does this rule contain a collection of information requiring OMB approval under the Paperwork Reduction Act of 1995?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
F. Did you discuss any of the following in the preamble to this rule?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
• E.O. 12612, Federalism	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
• E.O. 12630, Government Actions and Interference with Constitutionally Protected Property Rights	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
• E.O. 12866, Regulatory Planning and Review	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
• E.O. 12875, Enhancing the Intergovernmental Partnership	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
• E.O. 12988, Civil Justice Reform	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
• E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
• Other statutes or executive orders discussed in the preamble concerning the rulemaking process (please specify)			
_____			
_____			
_____			

(Billing Code 5001-08-P)

**DEPARTMENT OF DEFENSE**

**48 CFR Part 252**

**[DFARS Case 2004-D006]**

**Defense Federal Acquisition Regulation Supplement;**

**Designated Countries - New European Union Members**

**AGENCY:** Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to add 10 new European Union Member States to the list of designated countries whose products DoD may acquire under the Trade Agreements Act, in accordance with a determination of the United States Trade Representative.

**EFFECTIVE DATE:** *[Date of publication in Federal Register]*.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, Defense Acquisition Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0328; facsimile (703) 602-0350. Please cite DFARS Case 2004-D006.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

This final rule amends the clauses at DFARS 252.225-7021, Trade Agreements, and 252.225-7045, Balance of Payments Program - Construction Material Under Trade Agreements, to add 10 new

European Union Member States to the definition of "designated country." The new Member States are Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic, and Slovenia. The rule implements a determination of the United States Trade Representative that suppliers of eligible products of these Member States may participate in U.S. Government procurements without discriminatory treatment (69 FR 25654, May 7, 2004).

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

#### **B. Regulatory Flexibility Act**

This rule will not have a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of DoD. Therefore, publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2004-D006.

#### **C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

#### **List of Subjects in 48 CFR Part 252**

Government procurement.

Michele P. Peterson,

Executive Editor,

Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 252 is amended as follows:

1. The authority citation for 48 CFR Part 252 continues to read as follows:

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

**PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

**252.212-7001 [Amended]**

2. Section 252.212-7001 is amended in paragraph (b), in entry "252.225-7021", by removing "(JAN 2004)" and adding in its place "(JUN 2004)".

3. Section 252.225-7021 is amended by revising the clause date and paragraph (a)(4) to read as follows:

**252.225-7021 Trade Agreements.**

\* \* \* \* \*

**TRADE AGREEMENTS (JUN 2004)**

(a) \* \* \*

(4) "Designated country" means—

Aruba	Germany	Netherlands
Austria	Greece	Niger
Bangladesh	Guinea	Norway
Belgium	Guinea-Bissau	Poland
Benin	Haiti	Portugal
Bhutan	Hong Kong	Rwanda
Botswana	Hungary	Sao Tome and
Burkina Faso	Iceland	Principe
Burundi	Ireland	Sierra Leone
Canada	Israel	Singapore
Cape Verde	Italy	Slovak Republic
Central African	Japan	Slovenia
Republic	Kiribati	Somalia
Chad	Korea, Republic of	Spain
Comoros	Latvia	Sweden
Cyprus	Lesotho	Switzerland
Czech Republic	Liechtenstein	Tanzania U.R.
Denmark	Lithuania	Togo
Djibouti	Luxembourg	Tuvalu
Equatorial Guinea	Malawi	Uganda
Estonia	Maldives	United Kingdom
Finland	Mali	Vanuatu
France	Malta	Western Samoa
Gambia	Mozambique	Yemen
	Nepal	

\* \* \* \* \*

4. Section 252.225-7045 is amended by revising the clause date and, in paragraph (a), the definition of "Designated country" to read as follows:

**252.225-7045 Balance of Payments Program--Construction Material Under Trade Agreements.**

\* \* \* \* \*

BALANCE OF PAYMENTS PROGRAM--CONSTRUCTION MATERIAL UNDER TRADE  
AGREEMENTS (JUN 2004)

(a) \* \* \*

"Designated country" means--

Aruba	Germany	Netherlands
Austria	Greece	Niger
Bangladesh	Guinea	Norway
Belgium	Guinea-Bissau	Poland
Benin	Haiti	Portugal
Bhutan	Hong Kong	Rwanda
Botswana	Hungary	Sao Tome and
Burkina Faso	Iceland	Principe
Burundi	Ireland	Sierra Leone
Canada	Israel	Singapore
Cape Verde	Italy	Slovak Republic
Central African	Japan	Slovenia
Republic	Kiribati	Somalia
Chad	Korea, Republic of	Spain
Comoros	Latvia	Sweden
Cyprus	Lesotho	Switzerland
Czech Republic	Liechtenstein	Tanzania U.R.
Denmark	Lithuania	Togo
Djibouti	Luxembourg	Tuvalu
Equatorial Guinea	Malawi	Uganda
Estonia	Maldives	United Kingdom
Finland	Mali	Vanuatu
France	Malta	Western Samoa
Gambia	Mozambique	Yemen
	Nepal	

\* \* \* \* \*